

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION
AT COLUMBIA

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U.S. DISTRICT COURT
MID. DIST. TENN.

Gai Kuot,
Plaintiff,

vs.

John Doe Medical Contractor, et al

Defendant(s).

)Case No. 1:16-cv-00006

)Senior Judge K.H.Sharp/Knowles

)Jury Demand

)

)

MOTION TO EXPLAIN THE TECHNOLOGICAL FEASIBILITY OF PLAINTIFF'S
REQUEST THAT THE DEFENDANT'S BE REQUIRED TO PRESERVE ALL
RECORDED VIDEO FOOTAGE/EVIDENCE

- (1) COMES NOW the Plaintiff, Gai Kuot, TDOC #507979 *pro se*, pursuant to the **Federal Rules of Civil Procedure, Rule 65**, to explain the feasibility of his TRO request that the digitally recorded footage of the Housing units be stored and not destroyed.

STATEMENT OF FACTS:

- (2) Plaintiff has filed a compliant pursuant to **42 U.S.C. § 1983** for the violation of his civil rights, caused by the herein named defendants acting under the color of state law. (see Original **42 U.S.C. § 1983** Complaint, contemporaneously filed on February 2nd, 2016)
- (3) The plaintiff, ***IN PART***, seeks a Temporary Restraining Order and/or Preliminary Injunction to ensure that the Defendants do not purposefully destroy digital video footage which contains irrefutable and direct evidence of their unconstitutional actions; to wit: willfully and intentionally allowing violent gangs and Security threat group organizations to control whole units and tiers in the housing units, which, in turn subjects Plaintiff to a-substantial and ever present-pervasive risk of serious harm in direct violation of his 8th Amend U.S.Const. Rights against cruel and Unusual punishment.

- (4) Defendant's have a video surveillance system whereby all of the Housing Units at South Central Correctional complex, are continually monitored by a CC television network, that records 24 hours a day.
- (5) The video footage is only stored for thirty (30) days, after which time the footage and recordings are destroyed (i.e. recorded over)
- (6) Plaintiff avers that this video footage would prove irrefutably that the direct actions of the defendant's in the instant case, are responsible for the injuries that he received. (see ***Attached Declaration in Support*; pp. 2,3 ,¶ ¶'s 19-26; filed February 2nd, 2016**) (see also Complaint filed February 2nd, 2016)
- (7) Plaintiff seeks to ensure that the Defendants preserve, and eventually turn over all video footage, which proves the irrefutable existence of a de facto policy wherein rampant STG activity (i.e. escorting) in the housing units at S.C.C.F and other TDOC facilities, is facilitated, promoted, and condoned by Defendant's Schofield, Hininger, et al., as a matter of routine course.
- (8) Plaintiff avers that this request would not impose any appreciable hardships on the Defendants,.

Complying with Plaintiff's request to preserve video recorded footage would not impose a significant burden or hardship on the defendants.
- (9) Plaintiff anticipates that the Defendants' will argue that the technological requirements for such a seemingly large amount of data storage and preservation would prove to be an impossibly difficult burden on the Defendant's limited resources.
- (10) Plaintiff avers that he can dispel the factual and logical validity of this position quite easily.
- (11) Plaintiff avers that based on current market prices the Defendants could cost effectively preserve almost two whole years of digital data, for less then \$30.00 (thirty dollars U.S.), while using less than 5 man hours of labor in total.
- (12) To put this argument in proper perspective we need to first understand that the CC surveillance system used at S.C.C.F and other TDOC facilities, records video footage in a

digital media format, as opposed to a analog video format which uses older tape-media recording technologies.

- (13) Therefore, no old VHS or video cassette recording tapes are necessary.
- (14) Secondly, the storage media that can and will be used, are standard CD-sized DVD-R's, which are not only compact , but quite inexpensive as well.
- (15) In terms of scale of time versus storage capacity, we need to understand that 1 (one) hour or recorded video footage time is equal to roughly 8 megabytes of data storage in a standard 3gp format¹.
- (16) Therefore, 24 hours (i.e. one day) would be equivalent to 192 (one hundred and ninety two) megabytes per day. (i.e. at 8 megabytes/ hour, 192 megabytes would be required to record/store an entire 24 hour period)
- (17) Though this may seem some what large, it's is a truly insignificant amount of data storage², because today's standard measure of storage capacity is rated in gigabytes, which is roughly 1,000 times the storage size of a megabyte.
- (18) Therefore, 1 (one) gigabyte (i.e. 1,000 megabytes) would be the equivalent of 5.2 (five point two) days worth of digitally recorded video footage obtained from the CC video surveillance systems at S.C.C.F.
- (19) The average DVD-R can hold roughly 4.7 gigabytes of data³, which is equal to 4,700

1 With a lower compression rate file format (i.e. wmv, avi. Asf, mpeg, m4v, ogg., flv, mp4, quicktime, x-flic, etc.), and codec- like that used for 3gp, and in light of the fact that there would be no audio input, the file sizes would be significantly less then one would need for studio quality Blue ray type media format. And this is the reason why so many hours of digitally recorded footage could be stored on a standard DVD-R disk media.

2 For instance 1 (one) kilobyte is technically 1024 bytes, not 1,000 bytes. Likewise, a megabyte is technically 1,048,576 bytes; and one (1) gigabyte = 1,073,741,824 bytes. However, for convenience and standardization purposes storage capacities are rounded off to the nearest thousandth, millionth or billionth, (i.e. 1 kilobyte = 1 thousand bytes, 1, megabyte =1 million bytes, 1 gigabyte = 1 billion bytes)

3 Any standard office supply store sells these DVD-R storage disks. For instance, in the *Demco 2015 Office Supplies Catalog* pg. 261 [Demco No. P131-8639; 4.7 gig DVD-R , Qty. 25- sells for \$23.99.] (see <http://www.Demco.com>) with 25 (twenty-five) DVD-R's, each possessing 4.7 gigabytes of data storage capacity per DVD-R, the Defendants would have the equivalent of 117.5 gigabytes. This in turn is equal

megabytes of recorded video footage stored in a standard 3gp format.

- (20) Or stated simply a standard 4.7 gigabyte DVD-R , which is physically no bigger than your standard CD, can hold the equivalent of 24.47 day's (587.5 hours) worth of recorded video footage of the housing units at S.C.C.F.
- (21) Furthermore, the defendants would literally have to spend no more than 10 minutes⁴ every 25 day's to comply with the Plaintiffs reasonable requests to preserve videotaped footage, of the Defendant's de facto policy, which entails the facilitation and promotion of violent STG activity in a given housing unit.

CONCLUSION

- (22) **Wherefore the foregoing reasons**, Petitioner prays that this Honorable Court grant him the TRO and preliminary injunction, and find that Plaintiff request to preserve digitally recorded footage, does not impose a significant or undue burden on the Defendants.

Respectfully submitted,



Gai Kuot, TDOC #507979
S.C.C.F.; P.O.Box # 279
Clifton Tenn, 38425

CERTIFICATE OF SERVICE

I, Gai Kuot, TDOC #507979, do hereby swear and affirm that a copy of the foregoing document(s) have been forwarded to the following individual(s) via Pre-Paid First-Class United States Postage, and I further certify that I have placed these legal document(s) in the prison's mailing system on this the 6th , day of May 2016.

to 117,500 megabytes of storage capacity, which is the equivalent of 611.9 (six hundred and eleven) days of video footage stored in standard 3gp video format.(i.e. That works out to almost 2 (two) years of data storage for less then \$25 dollars)

- 4 It would be a simple matter of burning a DVD-R, at the end of a 25 days period, which would take all of roughly 10 minutes per DVD-R. (which comes out to a total of 250 minutes for all of the 25 (twenty five) DVD-Rs, ; -and 250 minutes works out to a little under 5 hours of labor , to be used over a total 611 day period of time).

Keith Throckmorton
Clerk of the Court
USDC, Middle District
801 Broadway Rm. 800
US Cthse.
Nashville, TN 37203

Gai Kuot

Gai Kuot, TDOC #507979
S.C.C.F.; P.O.Box # 279
Clifton Tenn, 38425